

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

DEREK Q. JAMES, Register No. 182777,)
)
)
Plaintiff,)
)
v.) No. 07-4141-CV-C-NKL
)
)
DAVE DORMIRE, et al.,)
)
)
Defendants.)

ORDER

On January 29, 2008, United States Magistrate Judge William A. Knox recommended revoking plaintiff's in forma pauperis status, pursuant to the provisions of 28 U.S.C. § 1915(g). The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record¹, including the exceptions filed by plaintiff on February 19 and 25, 2008. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. Further, plaintiff's arguments regarding the validity of January 3, 2008 video conference are without merit. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of January 29, 2008, is adopted. [27] It is further

¹Court proceedings, if any, are recorded by electronic recording equipment and the tapes are available for review by the court and counsel.

ORDERED that plaintiff's in forma pauperis status is revoked and his complaint is dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(g). [19] It is further

ORDERED that plaintiff's motion for temporary restraining order is denied. [4] It is further

ORDERED that all other pending motions are denied as moot. [10, 11]

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: March 3, 2008
Jefferson City, Missouri